

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
ADDENDUM TO FINAL STATEMENT OF REASONS FOR PROPOSED
REGULATORY ACTION

Add Section 1.92, Subsection (11) of Section 671(c) and
Subsection (9) of Section 671.1(a), Title 14, CCR

Re: Define the Term Transgenic, Add Transgenic Aquatic Animals to the List
of Live Animals Restricted for Importation, Transportation and Possession,
and Add Conditions for Issuing Permits for Transgenic Aquatic Animals

V. Update:

(a) The following is provided to augment the information on necessity for adoption of subsection (a)(9) of section 671.1.

1. The intent of subsection (a)(9)(A) is to prevent the escape or inadvertent release of live transgenic animals that pose a significant risk to the waters or wildlife of the state. In cases where it can be demonstrated that there is no significant risk to the waters or wildlife, the Commission may authorize an exception to the requirements of this subsection since to do otherwise would cause an undue burden on the permittee.

2. There was concern that the normal 30-day period for regulations to become effective after filing with the Secretary of State (pursuant to section 11343.4 Government Code) would not provide sufficient time for university researchers to submit supporting documentation that they meet or exceed specified requirements as a condition of a federal permit or program for the issuance of their initial permit under subsection (a)(9)(G) of the new regulations. Since the permit is an annual permit the regulations were written to provide an additional 120 days from the effective date of the regulations to provide that documentation and for the department to issue the initial permit. A shorter time period might not be adequate for applicants to gather and submit all the needed paperwork and a longer time might not provide the best possible protection to native wildlife resources. Compliance with these requirements for subsequent annual permits should not need any special time allowance.

(b) The following is a listing of nonsubstantive changes made to the final corrected regulatory text.

1. In subsection 671.1(a)(9)(A) the words "this regulation" were changed to "subsection (a)(9)(A) of this regulation" to clarify that the exception provided for applies only to these specific requirements and not to the general requirement for a permit.

2. In subsection 671.1(a)(9)(G) the phrase "from the date of adoption" was replaced with the phrase "from the effective date" to provide clarity regarding the start of the 120-day period to provide specified documentation.

(c) The three e-mails referred to on pages 1, 2 and 7 of the Final Statement of Reasons as being attached were inadvertently omitted, and are now attached and incorporated by reference into this addendum.